

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN BROWNING, INC.,

No. C-07-3983 JSW (EMC)

Plaintiff,

v.

**ORDER RE JOINT LETTER OF
OCTOBER 20, 2008**

VENETIAN CASINO RESORT, *et al.*,

(Docket No. 113)

Defendants.

On October 20, 2008, the parties filed a joint letter regarding a discovery dispute. *See* Docket No. 113. Having reviewed the joint letter, the Court hereby rules as follows.

As a general matter, the Court agrees with Defendants that the scope of discovery in this case is defined by the allegations in the complaint, and the complaint alleges infringement with respect to the Venetian and not the Palazzo. However, Browning contends that the same fixtures were used in both the Venetian and the Palazzo. If there are documents in Defendants' possession, custody, or control that explicitly refer to Browning or its designs -- even if in the context of the Palazzo rather than the Venetian -- they are discoverable as they may shed light on possible admissions and Defendants' knowledge and state of mind.

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1 Accordingly, the Court shall not authorize broad discovery into any alleged infringement in
2 the Palazzo but shall order Defendants to produce documents that explicitly refer to Browning or its
3 designs, even if the documents are related to the Palazzo instead of the Venetian.

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5 IT IS SO ORDERED.

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7 Dated: October 21, 2008



EDWARD M. CHEN
United States Magistrate Judge